

REMARKS

In response to the Office Action dated February 11, 2003, the Examiner has rejected claims 1-3, 6, 7, 9, 13-15 and 18 under 35 U.S.C. § 102(e) as being anticipated by *Abraham et al.* (USP 6,069,615). That rejection is respectfully traversed for the reasons set forth herein.

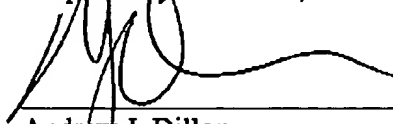
The Examiner notes that the changes made to 35 U.S.C. § 102(e) by the American Inventor's Protection Act of 1999 do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. § 122(b). Therefore, the Examiner notes that this application is being examined under 35 U.S.C. § 102(e) prior to the amendment by the American Inventor's Protection Act.

Applicant respectfully urges the Examiner to consider that (1) the present application was filed on February 7, 2001, after November 29, 2000, and (2) the effective date of 35 U.S.C. § 103(c), as amended by the American Inventor's Protection Act of 1999, was November 29, 1999. As amended by the American Inventor's Protection Act 35 U.S.C. § 103(c) states "Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicant notes that *Abraham et al.* is, as set forth on the face thereof, assigned to International Business Machines Corporation of Armonk, New York, and, as evidenced by the assignment set forth at Reel 011583, Frame 0679, the present application is assigned to International Business Machines Corporation of Armonk, New York. Thus, under the post American Inventor's Protection Act, Revision 235 U.S.C. § 103(c), this reference cannot be cited by the Examiner under 35 U.S.C. § 103(e) and withdrawal of the Examiner's rejection is respectfully requested.

No fee or extension of time is believed to be required; however, in the event any fee, including a fee for an extension of time, is required, please charge that fee to Deposit Account No. 50-0563.

Respectfully submitted,



Andrew J. Dillon

Reg. No. 29,634

BRACEWELL & PATTERSON, L.L.P.

P.O. Box 969

Austin, Texas 78767-0969

(512) 542-2121

ATTORNEY FOR APPLICANTS